

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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PETER A. RAETSCH, GERALDINE  
RAETSCH and CURTIS C. SHIFLETT,  
individually and on behalf of all others  
similarly situated,

Plaintiffs

v.

LUCENT TECHNOLOGIES, INC.,  
LUCENT TECHNOLOGIES, INC.,  
EMPLOYEE BENEFITS COMMITTEE,  
AND LUCENT TECHNOLOGIES, INC.  
MEDICAL EXPENSE PLAN FOR  
RETIRED EMPLOYEES,

Defendants.

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Civil Action No. 05-cv-5134 (PGS)

**ORDER**

**SHERIDAN, U.S.D.J.**

This matter comes before the Court on Plaintiffs' motion for partial summary judgment, motion for class certification, and Defendants' cross-motion for summary judgment and motion to strike pursuant to Fed.R.Civ.P. 56( c), 23(a), and 56. Oral argument was held on February 28, 2008; and the Court having considered the parties' moving papers, briefs, and supplemental filings, for the reasons set forth in its Opinion

This 11<sup>th</sup> day of June 2008

IT is **ORDERED** that Plaintiffs' motion for summary judgment declaring that the Court should exercise *de novo* review is granted; and it is further

**ORDERED** that Plaintiffs' partial motion for summary judgment declaring that defendants breached the benefit maintenance requirements for the period October 1, 1999 to

September 30, 2003 is granted only for the year 2003; and it is denied without prejudice with respect to any of the remaining years at issue for renewal upon completion of discovery as directed in the Court's Opinion; and it is further

**ORDERED** that Plaintiffs' motion for summary judgment declaring that defendants breached the cost maintenance requirements is denied for the period October 1, 2003 to September 30, 2006; and it is denied without prejudice for renewal upon completion of discovery as directed in the Court's Opinion; and it is further;

**ORDERED** that Plaintiffs' motion for class certification is denied without prejudice for renewal after completion of the discovery as directed in the Court's Opinion; and it is further

**ORDERED** that Defendants' motion for summary judgment is denied without prejudice for renewal upon completion of discovery; and it is further

**ORDERED** that Defendants' motion to strike certain paragraphs of Plaintiffs' Rule 56.1 statement is denied as moot.

*s/Peter G. Sheridan*  
PETER G. SHERIDAN, U.S.D.J.

June 11, 2008